UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,005	08/26/2003	Catherine Livet	I-2-0384.1US	3306

24374 7590 12/14/2005

VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

EXAMINER	
SMITH, SHEILA B	
ART UNIT	**PAPER NUMBER**
2681	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/648,005	LIVET ET AL.	
	Examiner	Art Unit	
	Sheila B. Smith	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-4,11-14 and 19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/28/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-4,11-14,19 are rejected under 35 U.S.C. 102(e) as being anticipated by Chakrabarti et al. (U. S. Patent Number 6,678,281).

Regarding claim 1, Chakrabarti et al. discloses essentially all the claimed invention as set fourth in the instant application, further Chakrabarti et al. discloses a hardware configuration support node and method for implementing general packet radio services over GSM, in addition Chakrabarti et al. discloses a Radio Resource Management (RRM) component for a wireless telecommunication system that provides wireless communication service in predetermined geographic areas to Wireless Transmit Receive Units (WTRUs) within such areas (which reads on column 3 lines 11-26), the RMM component comprising a plurality of finite state machines (FSMs) for controlling radio resources for a specified geographic area serviced by the telecommunication system (which reads on column 9 lines 7-19); each FSM configured with a plurality of states where in a selected set of functions are implemented based on state based parameters (which reads on column 9 lines 7-19); and each FSM configured with a plurality of state switches for toggling the FSM from one state to a different state in response to changes in

the wireless communication load between the telecommunication system and WTRUs within the specified geographic area (which reads on column 5 lines 41-60).

Regarding claim 2, Chakrabarti et al. discloses everything claimed, as applied above (see claim 1) additionally, Chakrabarti et al. discloses the wireless telecommunication system is a 3GPP system which services geographic areas designated as cells and the RMM component is configured to implement selected functions within a Radio Network Controller (RNC) with respect to a designated cell for which the RNC manages radio resources (which reads on column 5 lines 41-60).

Regarding claim 3, Chakrabarti et al. discloses everything claimed, as applied above (see claim 1) additionally, Chakrabarti et al. discloses the RMM component is configured to implement selected Control-Radio Network Controller (C-RNC) functions within the RNC and the RMM includes a FSM for implementing Real Time (RT) communication functions and a FSM for implementing Non Real Time (NRT) communication functions (which reads on column 5 lines 41-60).

Regarding claim 4, Chakrabarti et al. discloses everything claimed, as applied above (see claim 1) additionally, Chakrabarti et al. discloses the RMM component is configured to implement selected Control-Radio Network Controller (C-RNC) functions within the RNC and the RMM includes a FSM for implementing UpLink (UL) communication functions and a FSM

for implementing Down Link (DL) communication functions (which reads on column 3 lines 11-26).

Regarding claim 11, Chakrabarti et al. discloses everything claimed, as applied above (see claim 1) additionally, Chakrabarti et al. discloses each FSM is configured with a normal state, a high state and an overload state and each state is associated with two switches, each to toggle to one of the other two states (which reads on column 3 lines 11-26).

Regarding claim 12, Chakrabarti et al. discloses everything claimed, as applied above (see claim 1) additionally, Chakrabarti et al. discloses each state switch operable to toggle a FSM to return to one state from a different state is configured to operate based on a threshold that includes a hysterisis factor that is complementary to a threshold upon which the respective state switch is configured to operate the FSM to switch from the one state to the different state (which reads on column 3 lines 11-26).

Regarding claim 13, Chakrabarti et al. discloses everything claimed, as applied above (see claim 1) additionally, Chakrabarti et al. discloses a method of Radio Resource Management (RRM) for a wireless telecommunication system that provides wireless communication service in predetermined geographic areas to Wireless Transmit Receive Units (WTRUs)within such areas comprising: providing a plurality of finite state machines (FSMs) (which reads on column 3 lines 11-26), each FSM configured with a plurality of states where in a selected set of

functions are implemented based on state based parameters (which reads on column 9 lines 7-19); and controlling radio resources for a specified geographic area serviced by the telecommunication system by toggling the FSMs from one state to a different state in response to changes in the wireless communication load between the telecommunication system and WTRUs within the specified geographic area (which reads on column 5 lines 41-60).

Regarding claim 14, Chakrabarti et al. discloses everything claimed, as applied above (see claim 1) additionally, Chakrabarti et al. discloses the wireless telecommunication system is a 3GPP system which services geographic areas designated as cells and the provided FSMs are configured to implement selected functions within a Radio Network Controller (RNC) with respect to a designated cell for which the RNC manages radio resources (which reads on column 3 lines 11-26).

Regarding claim 19, Chakrabarti et al. discloses everything claimed, as applied above (see claim 1) additionally, Chakrabarti et al. discloses each FSM is configured with a normal state,a high state and an overload state and each state is associated with two switches, each to toggle to one of the other two states and each state switch operable to toggle a FSM to return to one state from a different state operates based on a threshold that includes a hysterisis factor that is complementary to a threshold upon which the respective state switch operates the FSM to switch from the one state to the different state (which reads on column 5 lines 41-60).

Allowable Subject Matter

2. Claims 5-10,15-18,20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith
December 11, 2005

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER